

Appl. No 10/828,520
Amdt. Dated 08 June 2006
Reply to Office Action of 11 May 2006

Amendments to the Drawings:

None

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REMARKS/ARGUMENTS

The Office Action of 11 May 2006 required Election/Restrictions between Group I (Claims 1- 24) & Group II (Claims 25 - 31) because the inventions are alleged to be independent and distinct. Applicants respectfully elect with traverse.

Election: Applicants elect Group II (Claims 25 - 31) with traverse.

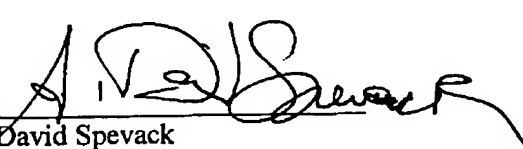
Traverse: Applicants contend that Group I and Group II operate on the same principles and are therefore not distinct. Specifically, the Group I Claims are directed to a specific method that is performed by the "system" of Group II (Claims 25 - 31). The Examiner uses an agar plate as a method alternative. Applicants respectfully contend that the method of Claim 1 & 22 for example the use of a laser (a monochromatic light source) can only be performed in the claimed system of Group II and would not work with just an agar plate. Therefore the method of the claims of Group I are integrally linked to the system of the claims of Group II through the use of a monochromatic light source and are not separate and distinct. Applicants request the Claims 1-31 be treated together.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. The Director is hereby authorized to charge any additional fees or underpayments under 37 C.F.R. § 1.16 & § 1.17; and credit any overpayments to Deposit Account No. 19-2201 held in the name of U.S. Army Materiel Command.

Certificate of Filing by FAX

The undersigned hereby certifies that this Election/Restriction is being sent by facsimile (FAX) to 571-273-8300 as of Thursday, June 08, 2006.

Respectfully submitted,
Intellectual Property Counsel
U.S. Army Research Laboratory

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